

June 2008

Overview

On February 26, 2004, the California Air Resources Board (ARB) adopted the **Transport Refrigeration Unit (TRU) Airborne Toxic Control Measure (ATCM)**. The rulemaking became effective December 10, 2004, and was codified under title 13 California Code of Regulations (CCR), section 2477. The TRU ATCM requires all TRUs and TRU generator sets that operate in California, regardless of where they are based (including out-of-state and out-of-country), to meet in-use performance standards that are phased in beginning December 31, 2008, for model year 2001 and older units. Then, 2002 and subsequent model year units must comply by the end of the seventh year after the model year. All TRUs and TRU gensets must eventually meet the most stringent in-use standard – one that requires a diesel particulate filter that reduces diesel particulate matter exhaust emissions by at least 85 percent. Also, owners of California-based TRUs and TRU gensets must apply for ARB identification numbers (IDN) by January 31, 2009. And, operators of California-based TRUs must submit Operator Reports by January 31, 2009. Hardcopy forms will be available in November 2008 for mail-in submittals. Electronic forms will also be available through the TRU website for online submittals by December 1, 2008. Please see the ARB's TRU website for more details at <http://www.arb.ca.gov/diesel/tru.htm>.

U.S. EPA Waiver

On March 28, 2005, ARB requested the U.S. Environmental Protection Agency (U.S. EPA) to grant a waiver of preemption under the federal Clean Air Act. The waiver is required before ARB can enforce the in-use performance standards, but is not required for the other provisions of the TRU ATCM, such as the facility reports, ARB IDN, and Operator Reports. As of the first of June 2008, U.S. EPA has not acted on the waiver. ARB anticipates that U.S. EPA will approve the TRU ATCM waiver application; however, the timing of the approval is uncertain.

ARB Enforcement Policy, Pending Waiver Approval

Compliance with the first phase of in-use performance standards is required by December 31, 2008. However, ARB will not enforce the in-use performance standards if U.S. EPA doesn't approve the TRU ATCM waiver by December 31, 2008. If U.S. EPA approves the waiver after December 31, 2008, then enforcement will not begin until at least 30 days after approval. If the waiver is approved in late 2008, ARB will be reasonable to TRU owners that can demonstrate a good faith effort was made to meet the compliance deadline. ARB, as part of any enforcement action, will take into consideration efforts made by the TRU owner to meet the compliance deadline. ARB is recommending that fleets make plans to comply by December 31, 2008, if required for the affected model years, because if there is a supply problem and owners haven't complied when a reasonable amount of time has passed, citations will be issued. Penalties up to \$10,000 per day per unit per violation may be assessed if it is apparent that due diligence was lacking. Pending the EPA decision, ARB will enforce all other requirements of the regulation (e.g. Facility Report, ARB IDN, and Operator Report).

The TRU ATCM is an important part of California's Diesel Risk Reduction Plan. Since the TRU ATCM was adopted, ARB believes that the emissions data collected and the scientific studies completed all show that the health risk due to diesel PM near facilities (and regionally) is much greater than thought when the regulation was adopted. The TRU website has links to an ARB press release and Sacramento Bee news story showing 70 percent greater risk

(<http://www.arb.ca.gov/diesel/tru.htm>, see "More premature deaths than previously thought from particles in vehicle exhaust"). The Health Effects Institute also published a report titled *Health Effects of Diesel Exhaust: An HEI Perspective*, which is posted on the Internet at <http://www.osti.gov/bridge/servlets/purl/827834-ld75mX/native/827834.pdf>. This Harvard study links diesel exhaust to truckers' deaths (see January 30, 2008, Sacramento Bee article at <http://www.sacbee.com/101/story/672742.html>). Similar articles were recently published in Land Line Magazine, The Truckers Report, and other on-line trucker web sites.

A strong link has been established between diesel PM and asthma, respiratory ailments and diseases, heart attacks and heart diseases, hospital admission rates, and death rates. ARB is committed to protecting the public health. ARB plans to aggressively enforce the in-use performance standards once U.S. EPA has approved the waiver.

Technology Review

Staff has been tracking diesel emission control strategy (DECS) manufacturers' efforts to develop and demonstrate DECS for TRUs and TRU generator sets. Staff conducted technology review workshops on June 14 and September 12, 2007, at ARB headquarters and via webcast and conference call. Meeting materials, including the agenda, slides, and DRAFT Control Option Matrix, are posted on the TRU website at: <http://www.arb.ca.gov/diesel/tru/archive.htm>. Staff believes there will be adequate compliance options available in time for compliance with this regulation and recommends owners take early, proactive steps to comply.

Verified Diesel Emission Control Strategies (VDECS)

Staff has processed DECS for TRUs through the Verification Procedure, Warranty, and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines (title 13, CCR, sections 2700 through 2710). News about VDECS that can be used to retrofit TRUs is posted on ARB's TRU website at: <http://www.arb.ca.gov/diesel/tru.htm>. The latest VDECS to be verified is the Proventia FTF™, a Level 2 flow-through filter (meets the Low-Emission TRU In-Use Performance Standard (LETRU)). One Level 3 (meets LETRU and the more stringent Ultra-Low-Emission TRU In-Use Performance Standard (ULETRU)) VDECS have also been verified. For details, please see the Executive Orders on ARB's Verification website at: <http://www.arb.ca.gov/diesel/verdev/level2/level2.htm> for Level 2 and <http://www.arb.ca.gov/diesel/verdev/level3/level3.htm> for Level 3. Applications for additional Level 2 and Level 3 VDECS have been submitted and should be available in time for early compliance.

Facility Reports

Facility Reports for "large" facilities were due on January 31, 2006. Large facilities have 20 or more loading spaces serving refrigerated storage areas. ARB is currently conducting enforcement action against facilities that failed to report on time.

Operator Requirements

The LETRU and ULETRU In-use Performance Standards apply to all TRUs that operate in California on a phased compliance schedule, beginning December 31, 2008. Staff believes there will be sufficient compliance options available in time for compliance. Compliance deadline extensions are not included in the TRU ATCM. Operator reports and ARB Identification Number applications are due to ARB by January 31, 2009.

Compliance Assistance Documents

Compliance assistance materials are available at the ARB's TRU website at: <http://www.arb.ca.gov/diesel/tru.htm>. "TRU Brochure #2" and "TRU ATCM Tutorial" are available in English and Spanish. Other compliance assistance documents include "How do I Comply with the TRU ATCM?" and "Frequently Asked Questions and Guidelines for the TRU ATCM".

For More Information

Past TRU ATCM Status Updates are available through the archive link of the TRU website. If you have questions, please call ARB's toll-free TRU Help Line at 1-888-878-2826 (1-888-TRU-ATCM), email Rod Hill at: rhill@arb.ca.gov or call Richard Boyd at 916.322.8285 (e-mail: rboyd@arb.ca.gov). Visit ARB's TRU web site at <http://www.arb.ca.gov/diesel/tru.htm>. Regulatory documents may be viewed and downloaded from <http://www.arb.ca.gov/regact/trude03/trude03.htm>.

If you are handicapped, you may obtain this document in an alternative format. Contact ARB's ADA Coordinator at (916) 322-4505 (voice); (916) 324-9531 (TDD, Sacramento area only); or (800) 700-8326 (TDD, outside Sacramento).